IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.911 OF 2000
IN
SUMMARY SUIT NO. 965 OF 2000

Tandem Computers India Ltd. USA ..Plaintiffs

Vs.

P.S.L.Business Centre and Ors. ..Defendants

Mr.Thakore i/b Thakore Jariwala and Associates for the plaintiffs

Mr.Y.R.Shah for defendant no.1 and 2

CORAM : S.U.KAMDAR, J
DATED : 12TH SEPTEMBER, 2005

P.C.:

1. The present suit is filed for recovery of amount of Rs.1,06,00,000/- paid by the plaintiff to the defendants under Leave Licence Agreement as Security Deposit. It is an admitted position that the plaintiffs have vacated the premises and defendants are in possession thereof. Inspite of the fact that plaintiffs have vacated the premises amount is not refunded. The learned counsel for the defendants has contended that before vacating of the premises 3 months notice was required to be given as contemplated by clause 9 of the agreement.

By virtue of the fact that the premises were vacated without giving notice, defendants have has suffered a loss. Defence raised is bogus and without any merits. In view of the above, I pass the following order:

2. Defendants to deposit a sum of Rs.1,05,000/-within 4 weeks failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from the date of deposit of the said amount. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.